


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY

ANJUM MALIK,	§	
PLAINTIFF,	§	
	§	
V.	§	CIVIL NO. A- 06-CA-695-LY
	§	
CONTINENTAL AIRLINES, INC.,	§	
DEFENDANT.	§	

ORDER ON REPORT AND RECOMMENDATION

Before the Court is the above styled and numbered cause of action. The Court referred this cause to the United States Magistrate Judge for a report and recommendation on all dispositive motions (Clerk's Document No. 24). *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72; Loc. R. W. D. Tex. Appx. C, 1(d). After considering Defendant Continental Airlines, Inc.'s Defendant's Amended Rule 12(b)(6) Motion To Dismiss For Failure To State A Claim Upon Which Relief Can Granted filed November 26, 2007 (Clerk's Document No. 21), Plaintiff Anjum Malik's response filed December 17, 2007 (Clerk's Document No. 25), Malik's additional affidavits filed January 21 and 28, 2008 (Clerk's Document Nos. 27 & 28), Continental's reply filed December 28, 2007 (Clerk's Document No. 26), the file, and the applicable law, the Magistrate Judge signed his Report and Recommendation on January 29, 2008 (Clerk's Document No. 29).¹ By his Report and Recommendation, the Magistrate Judge recommends that this Court grant Continental's amended motion to dismiss. The parties received the Report and Recommendation on January 30, 2008, and objections, if any, were due to be filed on or before February 13. *See* Fed R. Civ. P. 72(b) (within

¹ As noted in the Report and Recommendation, on the same day Continental filed its amended motion to dismiss, it also filed an amended motion for summary judgment (Clerk's Document No. 22). In his Report and Recommendation, the Magistrate Judge considered only Continental's arguments presented by the amended motion to dismiss.

ten days after service of report and recommendation, party may serve and file specific written objections to proposed findings and recommendations). Malik filed objections on February 19, 2008 (Clerk's Document No. 31). Continental filed a response to Malik's objections on February 22, 2008 (Clerk's Document No. 32).

In light of Malik's late-filed objections, the Court has undertaken a *de novo* review of the entire case file in this action. The Court finds that the findings and conclusions of the Magistrate Judge are proper and, for substantially the reasons stated therein, the Court will approve and accept the Report and Recommendation and will dismiss Malik's claims against Continental.

IT IS ORDERED that Malik's Plaintiff's Objections To Magistrate Judge's Report & Recommendation filed February 19, 2008 (Clerk's Document No. 31) are **OVERRULED**.

IT IS FURTHER ORDERED that the United States Magistrate Judge's Report and Recommendation (Clerk's Document No. 29) filed in this action is hereby **APPROVED AND ACCEPTED**.

IT IS FURTHER ORDERED that Defendant Continental Airlines, Inc.'s Defendant's Amended Rule 12(b)(6) Motion To Dismiss For Failure To State A Claim Upon Which Relief Can Granted filed November 26, 2007 (Clerk's Document No. 21) is **GRANTED**.

IT IS FURTHER ORDERED that all claims alleged in this cause by Plaintiff Anjum Malik against Defendant Continental Airlines, Inc., are **DISMISSED WITH PREJUDICE**.

SIGNED this 11th day of March, 2008.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE